

ASSEMBLY BILL**No. 1975****Introduced by Assembly Member Chu**

January 31, 2018

An act to add Section 43209.5 to the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 1975, as introduced, Chu. Nuisance: odors.

(1) Existing law prohibits, with specified exceptions, the discharge of any air contaminant or other material that causes injury, detriment, nuisance, or annoyance to, or that endangers, the public. Existing law exempts from that prohibition, among other things, all odors emanating from agricultural operations necessary for the growing of crops or the raising of fowl or animals; odors emanating directly from a facility or operation that produces, manufactures, or handles compost, as defined; and odors emanating from operations that compost green material or animal waste products derived from agricultural operations, as specified.

Existing law also requires an air pollution control or air quality management district that receives a complaint regarding an odor emanating from an exempt composting operation to refer the complaint to an enforcement agency with jurisdiction pursuant to the California Integrated Waste Management Act of 1989, and requires that agency to take appropriate enforcement action.

This bill would require the Department of Resources Recycling and Recovery, no later than July 1, 2019, to establish the South Bay Interagency Odor Taskforce, with a specified membership, to identify sources of odor emissions and nuisance complaints based on odor emissions received by the Bay Area Air Quality Management District

and the City of Milpitas, the City of Fremont, the City of Santa Clara, and the City of San Jose. The bill would require the taskforce, no later than January 1, 2020, to take specified actions, including, among others, developing and implementing a protocol for joint inspections by the air district and the enforcement agency represented on the taskforce. By adding to the duties of local agencies, this bill would impose a state-mandated local program.

(2) This bill would make legislative findings and declarations as to the necessity of a special statute for certain cities in the County of Santa Clara.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 43209.5 is added to the Public Resources
- 2 Code, to read:
- 3 43209.5. (a) (1) No later than July 1, 2019, the department
- 4 shall establish the South Bay Interagency Odor Taskforce to
- 5 identify sources of odor emissions and nuisance complaints based
- 6 on odor emissions received by the Bay Area Air Quality
- 7 Management District and the City of Milpitas, City of Fremont,
- 8 City of Santa Clara, and City of San Jose.
- 9 (2) The taskforce established pursuant to this subdivision shall
- 10 be comprised of the following:
- 11 (A) One representative from the Bay Area Air Quality
- 12 Management District.
- 13 (B) One representative from the City of Milpitas.
- 14 (C) One representative from the City of Fremont.
- 15 (D) One representative from the City of Santa Clara.
- 16 (E) One representative from the City of San Jose.
- 17 (F) One representative from each facility identified by the
- 18 department as a potential source of odor emissions.

1 (G) One representative from the local enforcement agency.

2 (b) No later than July 1, 2020, and notwithstanding Section
3 41705 of the Health and Safety Code, the South Bay Interagency
4 Taskforce shall do all of the following:

5 (1) Identify and quantify sources of odor emissions in the region
6 represented by the taskforce representatives.

7 (2) Develop and implement a protocol for joint inspections by
8 the Bay Area Air Quality Management District and the enforcement
9 agency represented on the taskforce.

10 (3) Identify best management practices that may be implemented
11 to reduce odor emissions.

12 (4) Make publicly available on the department's Internet Web
13 site taskforce meeting agendas, minutes, recommendations, and
14 findings.

15 (5) Provide opportunities for public participation.

16 SEC. 2. The Legislature finds and declares that a special statute
17 is necessary and that a general statute cannot be made applicable
18 within the meaning of Section 16 of Article IV of the California
19 Constitution because of the because of the unique odors that
20 emanate from various locations in the County of Santa Clara.

21 SEC. 3. If the Commission on State Mandates determines that
22 this act contains costs mandated by the state, reimbursement to
23 local agencies and school districts for those costs shall be made
24 pursuant to Part 7 (commencing with Section 17500) of Division
25 4 of Title 2 of the Government Code.